

***UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE***

Karen Testerman, et al

Plaintiffs, pro se

Vs

**DAVID SCANLAN
SECRETARY OF STATE FOR NEW HAMPSHIRE, et al,**

Defendants

Docket No. _____

**PLAINTIFFS EXHIBITS FOR THE COMPLAINT AND MOTION FOR
EXPEDITED PRELIMINARY INJUNCTIVE RELIEF**

EXHIBITS

- A Memorandum dated September 13, 2023, from Defendant David Scanlan, Secretary of State for New Hampshire, To: City and Town Clerks and Supervisors regarding the Presidential filing period and changing party affiliations.**
- B Email dated October 9, 2023, from Defendant David Scanlan, Secretary of State for New Hampshire regarding attorney Norman Silber's request for information on permitting undeclared voter change in party affiliations.**
- C New Hampshire news article: "Democrats Switched to Independent So They Could "Interfere" in the NH Republican Primary"**

D Letter on letterhead from Plaintiff Karen Testerman to Defendant Chris Ager requesting injunctive relief from Defendant David Scanlan, NH Sec of State, Republican primaries open to voters registered as undeclared.

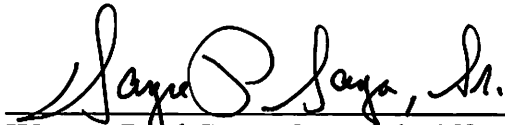
SWORN TO AND SUBSCRIBED THIS 7th DAY OF NOVEMBER,
UNDER PAINS & PENALTIES OF PERJURY.



Karen Testerman, Plaintiff, *pro se*
9 Stone Avenue
Franklin, New Hampshire 03235
Karen@KarenTesterman.com
603-934-7111



Lynn-Diane Briggs, Plaintiff, *pro se*
4 Golden Pond Lane
Amherst, New Hampshire 03031
Lynbdance@gmail.com
603-801-6886



Wayne Paul Saya, Sr., Plaintiff, *pro se*
24 Cadogan Way
Nashua, New Hampshire 03062
Waynesaya2@gmail.com
571-220-3344

CERTIFICATE OF SERVICE

We the Plaintiffs, pro se, have caused to deliver the Plaintiffs COMPLAINT; PLAINTIFFS MOTION FOR EXPEDITED CONSIDERATION FOR PRELIMINARY INJUNCTIVE RELIEF, AND PLAINTIFFS EXHIBITS TO MOTION FOR PRELIMINARY INJUNCTIVE RELIEF, have been served upon the following Defendants:

David Scanlan, Defendant
Secretary of State of New Hampshire
Office of the Secretary of the State House
107 North Main Street Concord, NH 03301

Chris Ager, Defendant
Chairman
New Hampshire Republican State Committee
10 Water St, Concord, New Hampshire 03301

Service has been made by hand via US District Court form AO 398 (Rev. 01/09), or by-way-of the county Sheriff's department.

SWORN TO UNDER PAINS AND PENALTIES OF PERJURY this 7th day of November, 2023


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NEW HAMPSHIRE
DEPARTMENT OF STATE



September 13, 2023

TO: City and Town Clerks and Supervisors of the Checklist

FROM: David M. Scanlan, Secretary of State

RE: Presidential Primary Filing Period/Registering Voters/Changing Party Affiliation

The filing period for the upcoming Presidential Primary has been set. The filing period will begin at the State House on Wednesday, October 11, 2023 and end on Friday, October 27, 2023.

Supervisors of the Checklist must hold a session for correction of the checklist on **Friday, October 6, 2023** (between 7:00 – 7:30 p.m). At your discretion you can extend the time. Notice of the day, hour, and place of this session shall be posted in 2 appropriate places, one of which shall be the city or town's Internet website, if such exists, or shall be published in a newspaper of general circulation in the city or town at least 7 days prior to the session. (September 29, 2023). RSA 654:27, 32

An updated checklist must be posted at the office of the town or city clerk or at town hall at least 10 days prior to the session. (September 26, 2023). RSA 654:33

October 6th is the last time registered voters may change their party affiliation prior to the Presidential Primary. New voters may continue to register until election day, as permitted by law.

As soon as the primary date is known, you will be immediately notified. If you have any questions, please do not hesitate to contact us at 1-800-562-4300.



From: Karen karen@karentesterman.com
Subject: Email
Date: Oct 12, 2023 at 8:58:05 PM
To: Lynn Briggs lynbdance@gmail.com

See below

From: David Scanlan <David.Scanlan@SOS.NH.GOV>
Sent: Monday, October 9, 2023 11:24 AM
To: Norman J Silber <njs@silbersnh.com>
Cc: Orville Fitch <Orville.Fitch@sos.nh.gov>; Chris Ager <chrisager@aol.com>
Subject: RE: RSA 659:14 & 91-A

Good morning Norm,

In response to your RSA 91-A request my office has not been able to locate any "written notice" of a Republican State Party rule change relative two which voters can participate in a New Hampshire primary election.

The current practice of permitting undeclared voters to declare affiliation with the Republican Party and then change back to undeclared or remain in the party after voting has been in place for decades. For me to administer a change related to participation in a party primary would require written notice of a rules change from the party chair.

Sincerely,
Dave



11/7/23, 11:20 AM

3,542 Democrats Switched to Independent So They Could "Interfere" in the NH Republican Primary - Granite Grok

Democratizing the Political
Bandwidth in New Hampshire

Search...



3,542 Democrats Switched to Independent So They Could "Interfere" in the NH Republican Primary

BY [STEVE MACDONALD](#) / 11 OCTOBER 2023

In New Hampshire, you can vote in either party primary if you switch your party Registration to Independent. Democrats are forever meddling, and this year, there was an enthusiastic push to do exactly that.

According to a Democrat insider, NH Dems pushed hard to get their political brethren to become Indys.

One train of thought says they will vote for Trump because they think he is easier to beat in the general. That's what AFP Action thinks, too. But that makes very little sense to me from an interference perspective. Even in New Hampshire, Trump is crushing the field. It is wasted meddling.

The other, more likely reason, is they plan to vote for someone like Chris Christie to give him momentum. A Never-Trumper or RINO proportion whom polls show is the most disliked candidate and for whom fewer people will vote under any circumstance than Trump.

They are, of course, Dems, so who knows what might happen in those mental-health-addled brains, but the switch is on. The Sec of State's office has released the registration numbers (the deadline for the January primary was last week), and Republicans have the edge over Dems – because 3,542 Democrats changed their registration to independent.



11/7/23, 11:20 AM

3,542 Democrats Switched to Independent So They Could "Interfere" in the NH Republican Primary - Granite Grok

512 Democrats -> Independents
 719 Republicans -> Independents
 408 Democrats -> Republicans
 78 Republicans -> Democrats
 41 Independents -> Democrats
 132 Independents -> Republicans

Totals:
 269,766 Republicans
 265,159 Democrats
 344,212 Independents

Kevin Landrigan @KlandriganUL

Thanks to party switches, NH GOP narrowly takes over voter registration
 edge over Democrats for the first time since 2019, these numbers will
 change again after FITN. #nhpolitics
[unionleader.com/news/politics/...](https://unionleader.com/news/politics/)

7:37 AM · Oct 11, 2023



10 Reply Copy link

Read 3 replies

If you add the Dem. to Repub. switch (another 408), nearly 4,000 New Hampshire Democrats engage in election interference in the Republican Primary. We'll assume that's the plan since that is what we've heard from insiders. And why not? We let them. And Democrats in New Hampshire have no primary (they have Biden), so in a way, I'm surprised more Dems didn't switch.

Our understanding was that the pressure was high to do that. There were third-party ads on television directed at Granite Staters telling them they could switch. That's no coincidence.

And they will meddle because they can, but there is a hitch to all of this. You've read all the articles about the NHGOP resolution to close the Primary to anyone not registered Republican. That request was to have been sent to the Secretary of State just before the deadline.

If it has the problems claimed all along, nothing will change. If there was no issue with the request, the Primary could be closed, and all those Dems switched for nothing.

Not holding my breath, but damn, that would be funny.

Karen* TESTERMAN

Restoring NH's Prosperity, Principles & Responsibility

Republican State Committee Member (NHGOP)

Chairman of the Merrimack County Republican Committee

6 October 2023

Via email

Mr. Chris Ager
Chairman, NHGOP
10 Water Street
Concord, NH 03301

Dear Mr. Chairman :

As you know, the NH Secretary of State has advised that he does not have any written permission from the NHGOP opening the primaries to Undeclared voters as required by RSA 659:14.

In the absence of such a written permission from the NHGOP, it appears that the reasonable, lawful & correct position is that the primaries start out "closed" unless and until a party gives written notice that they are to be "open."

Thus, this is my formal request that the NHGOP immediately commence suit against the Secretary of State seeking to enjoin the holding of Republican primaries open to voters who appear at the polls on primary election day registered as Undeclared; seeking a temporary restraining order and preliminary injunction to that effect pending a full trial on the merits.

That case can also examine and adjudicate any issues surrounding the language of the January 28 resolution that was passed and any possible conflict with existing laws.

Respectfully,

{ |

Karen Testerman

